

Applicants : Peter D. Kwong et al.
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Page 4

authorization is hereby given to charge the amount of this fee to Deposit Account No. 03-3125

statement that the Entire Delay in Filing the Required Reply was Unintentional Under 37 C.F.R. §1.137(b)(3)

The entire delay in filing the required reply, i.e. the U.S. national stage transmittal papers, from the May 10, 2000 due date for national stage entry, until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b), was unintentional.

In support, applicants attach hereto as Exhibit A a second declaration of Ofra Weinberger, Ph.D. and as Exhibit B a second declaration of John P. White, Esq.

Terminal Disclaimer Under 37 C.F.R. §1.137(b)(4)

Because the subject PCT application was filed on November 10, 1998, which is after June 8, 1995, 37 C.F.R. §1.137(c) does not require any terminal disclaimer to be filed.

Discussion

The specific reasons why the abandonment was unintentional throughout the period from May 9 through May 23, 2000, are as follows:

1. The U.S. patent application sought to be revived is the U.S. national stage of the PCT application, which became abandoned when it did not enter the U.S. national stage by May 10, 2000.
2. At all times material hereto, John P. White (Reg. No.